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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,757	02/09/2004	Duane Allen Ansel	53313/1:2	8726
3528	7590	12/11/2007		
STOEL RIVES LLP 900 SW FIFTH AVENUE SUITE 2600 PORTLAND, OR 97204-1268			EXAMINER GRANDERSON, ABRAHAM J	
			ART UNIT 4127	PAPER NUMBER
			MAIL DATE 12/11/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/775,757

**Applicant(s)**

ANSEL ET AL.

**Examiner**

ABRAHAM J. GRANDERSON

**Art Unit**

4127

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07/09/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This communication is a first Office Action Non-Final rejection on the merits.

Claims 1-2 are currently pending and have been considered below.

#### ***Claim Objections***

2. Claim 1 is objected to because of the following informality: the claim contains the language "determining whether the event owner is interest in trading." This tense of "interest" does not match the rest of the sentence. The phrase should be either "determining whether the event owner is interested in trading" or "determining whether the event owner has interest in trading." Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim contains the language "if the event owner is determined to be interested in trading the at least one sponsorship opportunity, performing..." The claim does indicate what happens if the event owner is not interested in trading a sponsorship opportunity. The claim should describe whether the method stops at that point, or continues. Without such limiting language, the claim is indefinite.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Del Soto (US #6,985,882).**

**As per claim 1**, Del Soto discloses a method for carrying out a sponsorship exchange comprising:

recording a request of at least one asset or service submitted by an event owner in connection with an event (col. 5, lines 34-35; discloses a method for displaying a Program Listing for television shows that require funding assets, where the television show producers are construed as event owners and the request for funding is construed as a request for at least one funding asset in connection with the event);

determining whether the event owner is interested in trading at least on sponsorship opportunity to at least partially defray a cost associated with the request (col. 5, lines, 35-37; discloses a method where an event owner indicates interest in

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trading advertising air time [construed as a sponsorship opportunity] for funding to defray associated production costs);

presenting to the event owner a sponsorship offer (col. 5, lines 43-45; discloses a "Buyer Bid" system where the sponsor presents to the television producer [construed as the event owner] a bid for advertising airtime [construed as a sponsorship opportunity]); and,

facilitating an agreement as to the sponsorship offer (col. 4, lines 59-61 and col. 7, line 39; discloses a method incorporating an "account executive" who is "in charge of actually attending to client accounts, such as tending to contracts between buyer and seller; further discloses the steps whereby the buyer/sponsor submits the bid for airtime to the event owner).

**As per claim 2**, Del Soto discloses a method for carrying out a sponsorship auction comprising:

defining a plurality of sponsorship opportunities associated with at least one of an event, an entity, and an even owner (col. 5, lines 34-35; discloses a method for displaying a Program Listing for television shows that require funding assets, where the television show are construed as event and the television show producers are construed as event owners);

taking at least one bid associated with at least one of the sponsorship opportunities (col. 5, lines 43-45; discloses a "Buyer Bid" system where the sponsor presents a bid for advertising airtime [construed as a sponsorship opportunity]);

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recognizing the at least one bid as a winning bid based on a comparison of the bid to predetermined criteria associated with the corresponding sponsorship opportunity and to one or more competing bids (col. 9, lines 6-8; discloses a method whereby a user may view bid information to determine which bid or bids will be accepted); and, transmitting the winning bid to at least one of the entity and the event owner (col. 9, lines 9-10 and col. 7, lines 39-41; discloses a method where the seller may "accept the bid and return it to the buyer" and where the accepted winning bids are detailed on the television producer's [construed as the event owner] display screen).

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Laster (US 2001/0029478) discloses a method and system for supporting online auctions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ABRAHAM J. GRANDERSON whose telephone number is (571)270-5098. The examiner can normally be reached on Monday through Thursday, 7:30 to 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynda Jasmin can be reached on 571-270-3033. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AJG

/Lynda Jasmin/

Supervisory Patent Examiner, Art Unit 4127